

Entered - 9-14-00 - sb  
CL 00L0564 - GWENDOLYN BURNS

CLAIM OF: **TERRY A. MARTIN**  
P.O. Box 373108  
Decatur, Georgia 30037

01-R-0505

ADOPTED BY  
APR 02 2001  
COUNCIL

For vehicular damages alleged to have been sustained as a result of an unraised sewer manhole in the roadway on May 28, 2000 at Peachtree Street, NE & Ralph McGill Boulevard.

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION  
COMMITTEE:

**BE IT RESOLVED** by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **TERRY A. MARTIN** the sum of **\$697.73** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for vehicular damages alleged to have been sustained as a result of an unraised sewer manhole in the roadway on May 28, 2000 at Peachtree Street, NE & Ralph McGill Boulevard as is more particularly set forth in the within claim; said sum taken from and charged to account 2J01/529017/T31001, Settlement of Suits and Claims, Department of Law.

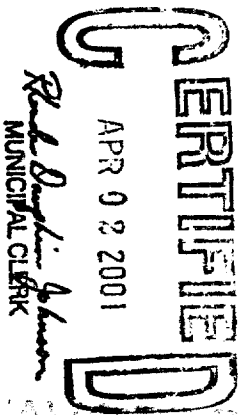
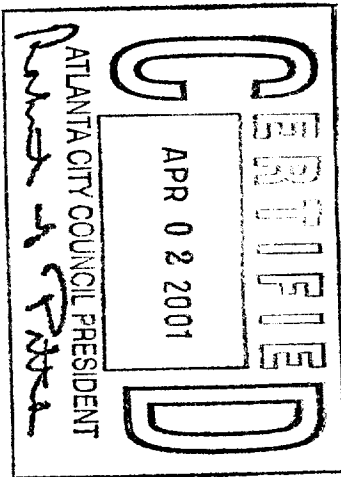
APPROVED: SUSAN PEASE LANGFORD  
CITY ATTORNEY

BY: *Rosalind Rubens Newell*  
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY

**APPROVED**

APR 11 2001

WITHOUT SIGNATURE  
BY OPERATION OF LAW



FAVORABLE REPORT

COUNCIL P.S.L.A.

DATE 3/27/01

VENUE *Clota Henson*

*Michael R...*

*W...*



**MUNICIPAL CLERK  
ATLANTA, GEORGIA**

**01-R-0505**

**A RESOLUTION**

**BY PUBLIC SAFETY &  
LEGAL ADMINISTRATION COMMITTEE**

**BE IT RESOLVED BY** the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **Terry A. Martin** in the sum of **\$697.73** in full settlement and satisfaction of all claims, past, present and future, of every kind and character, for damages alleged to have been sustained as a result of **an unraised sewer manhole in the roadway on May 28, 2000 at Peachtree Street, NE & Ralph McGill Boulevard** as is more particularly set forth in the within claim; said sum taken from and charged to Account 1A01/529017/T31001, Settlement of Suits and Claims, Department of Law.

A true copy,

*Rhonda Daughin Johnson*  
Municipal Clerk, CMC

ADOPTED by the Council  
RETURNED WITHOUT SIGNATURE OF THE MAYOR  
APPROVED as per City Charter Section 2-403

APR 02, 2001

APR 11, 2001

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0564

Date: March 17, 2001

Claimant /Victim TERRY A. MARTIN  
BY: (Atty) (Ins. Co.) \_\_\_\_\_  
Address: P.O. Box 373108, Decatur, Georgia 30037  
Subrogation: \_\_\_\_\_ Claim for Property damage \$ 697.73 Bodily Injury \$ \_\_\_\_\_  
Date of Notice: 9/11/00 Method: Written, proper X Improper \_\_\_\_\_  
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X  
Date of Occurrence 5/28/00 Place: Peachtree Street, NE & Ralph McGill Boulevard  
Department PUBLIC WORKS Division: Sewer Operations  
Employee involved \_\_\_\_\_ Disciplinary Action: \_\_\_\_\_

NATURE OF CLAIM: Claimant's vehicle sustained damage when she drove over an unraised sewer manhole in the roadway. An investigation determined that the City had notice of the condition of the manhole but failed to correct it.

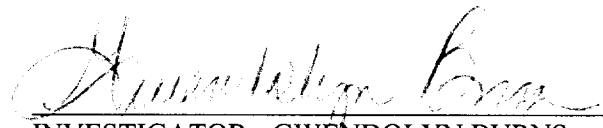
INVESTIGATION:

Statements: City employee X Claimant \_\_\_\_\_ Others \_\_\_\_\_ Written \_\_\_\_\_ Oral X  
Pictures \_\_\_\_\_ Diagrams \_\_\_\_\_ Reports: Police \_\_\_\_\_ Dept Report \_\_\_\_\_ Other X  
Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_  
Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

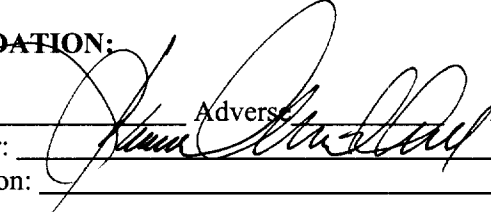
BASIS OF RECOMMENDATION:

Function: Governmental \_\_\_\_\_ Ministerial X  
Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other \_\_\_\_\_ Damages reasonable X  
City not involved \_\_\_\_\_ Offer rejected \_\_\_\_\_ Compromise settlement \_\_\_\_\_  
Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_  
Claimant Negligent \_\_\_\_\_ City Negligent X Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,

  
INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ 697.73 Adverse \_\_\_\_\_ Account charged: 1A01 \_\_\_\_\_ 2J01 X 2H01 \_\_\_\_\_  
Claims Manager:  Concur/date 8-3-1601  
Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

COUNCIL OF THE CITY OF ATLANTA  
MUNICIPAL CLERK  
City Hall  
55 Trinity Avenue, S.W.  
Atlanta, Georgia 30335

RE: CLAIM FOR DAMAGES

Today's Date: 9-13-00

Dear Municipal Clerk:

ENTERED - 9-14-00 - SB

00L0564 - GWEN BURNS

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 697.73 property and/or \$ 0 bodily injury for which I contend the City is liable.

1. Date of incident: 5-28-00 2. Time of Incident: 10:00 3. Police called: Yes ☒ No ☐
4. Location of incident (including street address): Downtown Peachtree + Ralph McGill Blvd
5. Name of your insurance company: InterState Indemnity Policy No. 99GA50322
6. State what and how incident occurred: I was traveling down Peachtree rd and my car fell into a pothole. The left side of my car fell in the hole. A large Pot hole or Man hole

7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).

Your vehicle: Honda Civic 94 750 PQ Terry A. Martin  
(Make) (Year) (Tag Number) (Driver's Name)

City vehicle: N/A N/A N/A  
(Make) (City Driver's Name) (Department/Bureau)

9. Witness: Henry Gresham 2000 Bouldercrest rd Ga Home # 404-244-1242  
(Name) (Address) (Telephone Number)

10. The acknowledgment of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).

11. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Signature of Claimant

(Print Claimant's Name)

(Address)

(City, State and Zip Code)

(Work Number)

(Home Number)

01-R-0505

RCS# 2775  
4/02/01  
2:17 PM

Atlanta City Council

Regular Session

CONSENT

Pages 1 thru 13

SEE ATTACHED LISTING OF  
ITEMS ADOPTED/ADVERSED  
ON CONSENT AGENDA

ADOPT

YEAS: 13  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 0  
ABSENT 2

Unanimous

Y McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	B Martin	Y Emmons
Y Bond	Y Morris	Y Maddox	B Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

ITEM (S) REMOVED FROM  
CONSENT AGENDA  
01-O-0345  
01-O-0526  
01-R-0541

CONSENT

**ITEMS ADOPTED ON  
CONSENT AGENDA**

1. 01-O-0225
2. 01-O-0534
3. 01-O-0528
4. 01-O-0539
5. 01-O-0530
6. 01-O-0531
7. 01-R-0527
8. 99-R-2071
9. 01-R-0368
10. 01-R-0481
11. 01-R-0536
12. 01-R-0537
13. 01-R-0550
14. 01-R-0484
15. 01-R-0485
16. 01-R-0486
17. 01-R-0487
18. 01-R-0293
19. 01-R-0425
20. 01-R-0457
21. 01-R-0418
22. 01-R-0483
23. 01-R-0549
24. 01-R-0500
25. 01-R-0501
26. 01-R-0502
27. 01-R-0503
28. 01-R-0504
29. 01-R-0505
30. 01-R-0506
31. 01-R-0507
32. 01-R-0508

**ITEMS ADVERSED  
ON CONSENT AGENDA**

33. 01-R-0509
  34. 01-R-0510
  35. 01-R-0511
  36. 01-R-0512
  37. 01-R-0513
  38. 01-R-0514
  39. 01-R-0515
  40. 01-R-0516
  41. 01-R-0517
  42. 01-R-0518
  43. 01-R-0519
  44. 01-R-0520
  45. 01-R-0521
  46. 00-R-1361
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